

tion, and beg to report it back to the Senate with the recommendation that it do pass.

BELL, Chairman.

Committee Room,  
Austin, Texas, Jan. 28, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

S. B. No. 149, A bill to be entitled "An Act authorizing counties, acting through their commissioners' courts, to purchase seed to be planted on farms in such counties by residents thereof, who are poor and unable to procure same and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations, by which such seed and feed will be furnished said residents of the counties who are poor and unable to procure the same; authorizing counties to use their general funds for this purpose, where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the year 1919 are collected; conferring certain powers and prescribing certain duties, relative to the administration of this Act, on the commissioners' courts and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this Act may obtain seed and feed hereunder, and providing for the payment therefor by such persons; conferring certain power and authority upon the county tax collectors and county attorneys relative to the administration of this Act; providing the terms and conditions upon which the State will advance certain amounts to the various counties of the State to augment the funds provided for the purchase of seed and feed, and the distribution of same hereunder, and the terms and conditions thereof; prescribing certain duties for the Governor of Texas, the State Treasurer, the Comptroller of Public Accounts and the Attorney General of the State of Texas, relative to the administration of this Act; providing for the repayment to the State of funds advanced by it; defining and creating certain offenses for violations of the terms of this

Act, and providing punishment therefor; stating when operation may be commenced under this Act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this Act, in the sum of one million dollars, and declaring an emergency."

Has had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass.

BELL, Chairman.

### THIRTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
January 30, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Woods.
Gibson.	

Absent.

Woodward.

Absent—Excused.

Bailey.

Witt.

Dean.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Witt was excused for today on account of important business, on motion of Senator Dorough.

**Petitions and Memorials.**

See Appendix.

**Standing Committee Reports.**

See Appendix.

**Bills and Resolutions.**

By Senator Carlock:

S. B. No. 168, A bill to be entitled "An Act authorizing cities and towns heretofore organized under any of the laws of this State, either general or special, or which hereafter may be organized in this State, to provide for the health, comfort, convenience, recreation and amusement of the citizens of such towns or cities, and to use the public places, parks and reservoirs owned by such city, and to make all necessary regulations and reasonable charges therefor."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Carlock:

S. B. No. 169, A bill to be entitled "An Act authorizing any town or city in this State now organized, or which may be hereafter organized, under the laws of Texas, or operating under a special act or charter, to lease any oil or mineral land owned or held by such town or city, provided that the same shall not apply to any streets or alleys, public squares or any lands dedicated by any person, or persons, for public use, in such town or city."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Strickland:

S. B. No. 170, A bill to be entitled "An Act to amend Sections, 1, 2 and 8, Chapter 118, Special Laws enacted at the Regular Session of the Thirty-fifth Legislature, known as a Special Road Law for Cherokee County, repealing all laws in conflict, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senators Page and Strickland:

S. B. No. 171, A bill to be entitled "An Act to define what constitutes

a public weigher; prescribing his duties and providing for rules and regulations governing the performance of his duties; providing for the appointment, by the Governor, of public weighers in certain places, and providing for the appointment and election of public weighers throughout the State; prescribing the bond to be given and the amount thereof; providing penalties for the violation of this Act, and prohibiting any one from engaging in the business of public weighing unless he shall comply with the terms of this Act; prohibiting the shipment of goods, wares and merchandise, agricultural and farm products, at false weights, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senators Page and Strickland:

S. B. No. 172, A bill to be entitled "An Act to define what shall constitute a unit of weight or measure, for all commodities purchased or sold by length, weight or measure; providing penalties for anyone who shall sell an article or commodity, representing same to be a greater or less number of pounds or quality per unit with intent to defraud; providing that all articles of foodstuff, produce or commodity, and providing penalties for the violation of this Act, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Page:

S. B. No. 173, A bill to be entitled "An Act to establish a standard of weights and measures in the State of Texas; to regulate weights and measures and weighing and measuring instruments and devices, and providing for the inspection and sealing thereof and attesting to the accuracy of same; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement, and weighing of goods, commodities, wares, merchandise, packages and amounts of commodities kept for sale or in the process of delivery; to prevent the sale of goods, wares, merchandise, agricultural or farm products, by false weights and measures; to provide penalties for the violation of

the provisions of this Act; for the admission in evidence of copies of the State's Standard of Weights and Measures; providing for the certification of any such standard of weights and measures when necessary to be introduced in a court of competent jurisdiction; providing for the appointment of officers to enforce and carry into effect the provisions of this Act; providing that the Commissioner of Markets and Warehouses shall be ex officio State Superintendent of weights and measures; providing for the appointment of a chief deputy, with full power to act as superintendent of weights and measures in case of the absence or inability of the State Superintendent to discharge the duties of his office; defining the powers and duties of all officers appointed to carry out the provisions of this Act; and making an appropriation necessary to enforce the provisions of this Act."

Read first time and referred to Committee on Criminal Jurisprudence.

#### Senate Bills—Re-Referred.

By unanimous consent and on request of Senator Johnston, S. B. No. 136 was withdrawn from the Committee on Town and City Corporations and referred by the Chair to the Committee on Criminal Jurisprudence.

By request of Senator Suiter, S. B. No. 157 was withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on Public Health.

#### Simple Resolution No. 44.

Whereas, The Hon. W. M. Imboden of East Texas is in the city, be it

Resolved, That he be invited to address the Senate.

STRICKLAND.  
SMITH.  
COUSINS.

The resolution was read and adopted, and the Chair appointed the authors of the resolution as a special committee to conduct the gentleman to the Speaker's stand.

#### House Bill No. 41.

The Chair laid before the Senate on second reading:

H. B. No. 41, A bill to be entitled "An Act to amend Article 3663 of Chapter 2 of Title 53 of the Revised Civil Statutes of the State of Texas, 1911, relating to taking depositions by oral examination and answer so as to permit the taking of depositions of witnesses and parties to suits by oral examination and answer in any civil case in certain courts of this State where depositions are now authorized by law to be taken."

Senator Caldwell offered the following amendments, which were read and adopted:

(1) Amend House Bill No. 41, caption, by adding the words "and declaring an emergency."

(2) Amend House Bill No. 41 by adding thereto Section 3, as follows:

"Sec. 3. The importance of this legislation and the fact that this is a regular session of the Legislature at which the Calendar will be in a crowded condition, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days in each house be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Dayton offered the following amendment, which was read and adopted:

Amend printed H. B. 41, section 2, line 1, by adding a comma after word "witness" and comma after word "suit," also comma after "State," line 3, section 2.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 41 put on its third reading and final passage by the following vote:

Yeas—24.

Bell.	Dorough.
Buchanan of Scurry.	Dudley.
Caldwell.	Faust.
Carlock.	Floyd.
Clark.	Gibson.
Cousins.	Hall.
Dayton.	Hertzberg.

Hopkins.	Strickland.
Johnston.	Suiter.
Page.	Westbrook.
Parr.	Williford.
Smith.	Woods.

Absent.

Alderdice.	McNealus.
Buchanan of Bell.	Woodward.

Absent—Excused.

Bailey.	Witt.
Dean.	

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed finally.

#### Senate Bill No. 112.

The Chair laid before the Senate on second reading:

S. B. No. 112, A bill to be entitled "An Act making an appropriation of one million (\$1,000,000.00) dollars to the available school fund of the State of Texas for the scholastic year beginning September 1, A. D. 1918, and ending August 31, A. D. 1919, and providing for the method of its distribution, and declaring an emergency."

On motion of Senator Dayton the bill was laid on the table subject to call.

#### Senate Bill No. 78.

The Chair laid before the Senate as a special order for this hour and on second reading:

S. B. No. 78, A bill to be entitled "An Act to amend Article 1306 of Chapter 24, Title 25, of the Revised Civil Statutes of Texas of 1911, so as to remove the limitations of the rights of common carrier pipe lines organized under said chapter and title to condemn only for pipe lines not exceeding eight inches in diameter and to grant to every person, firm, corporation, limited partnership, joint stock association or association of any kind whatever owning, operating or managing any pipe line or any part of any pipe line within the State of Texas for the transportation of crude petroleum that is declared to be a common carrier by and is subject to the provisions of Chapter 30 of the General Laws passed by the

Thirty-fifth Legislature, approved on February 20, 1917, the right and power of eminent domain in the exercise of which he, it or they may enter upon and condemn the lands, rights of way, easements and property of any person or corporation necessary for the construction, maintenance or operation of his, its or their common carrier pipe lines, the manner and method of such condemnation and the assessment and payment of the damages therefor to be the same as provided by law in the case of railroads; and to grant such other rights as are conferred by said Article 1306 as amended hereby upon corporations organized under said Chapter 24; and declaring an emergency."

The question being upon the substitute amendment offered by Senator Suiter for the pending amendment of Senators McNealus and Page.

By unanimous consent the substitute and amendment were each withdrawn. (See page 192 of the Journal for amendments in full.)

Senator Suiter offered the following amendment:

Amend S. B. No. 78 by changing the period at the end of Section 1 to a semicolon and add thereafter the following: "Provided that at all times the said pipe line companies shall place a line or lines sufficient in size to carry all oil offered to them for transportation, and said company or companies shall be required to carry all oil offered to them for transportation, provided the same shall be delivered to them at any point along any of their main lines or laterals."

The amendment was read and Senator McNealus offered the following substitute:

Amend S. B. No. 78 by changing the period at the end of Section 1 to a semicolon and add thereafter the following: "Provided that at all times the said pipe line companies shall place a line or lines sufficient in size to carry all oil offered to them for transportation, and said company or companies shall be required to carry all oil offered to them for transportation, provided the same shall be delivered to them at any point along any of their main lines or laterals. The Railroad Commission shall officially designate, by proper order, what are and what are not main pipe lines and laterals or feeders,

and all such lines as shall be designated as main lines shall have a piping capacity of not less than eight inches of interior diameter."

On motion of Senator Suiter the substitute was tabled by the following vote:

Yeas—18.

Bell.	Gibson.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Parr.
Cousins.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Floyd.	Westbrook.

Nays—6.

Alderdice.	Page.
Faust.	Williford.
McNealus.	Woods.

Absent.

Clark.	Johnston.
Dayton.	Woodward.

Absent—Excused.

Bailey.	Witt.
Dean.	

Senator McNealus moved to table the pending amendment, and this motion was lost.

Action then recurred upon the amendment and the same was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 78 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Woods.
Gibson.	

Nays—1.

McNealus.

Absent.

Dayton	Woodward.
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Absent—Excused.

Bailey.	Witt.
Dean.	

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed by the following vote:

Yeas—25.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Woods.
Gibson.	

Nays—1.

McNealus.

Absent.

Dayton	Woodward.
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Absent—Excused.

Bailey.	Witt.
Dean.	

Reasons for Vote.

I vote against Senate Bill No. 78, because of the fact that no requirement is now contained therein as to the size of the main lines of pipe line companies; small oil producers or companies are thus left at the mercy of the large transportation pipe line companies. I contend that, in order to protect small producers no main line should be of smaller size than eight inches.—MCNEALUS.

#### Senate Bill No. 118.

The Chair laid before the Senate on second reading:

S. B. No. 118, A bill to be entitled "An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas, making it the duty of the State Board of Edu-

cation to purchase such books from a fund set aside each year out of the available school fund of the State; providing the procedure to be followed in purchase of said books and their distribution through the State agencies or depositories which all parties with whom the State has made text book contracts are required to maintain, and through the district boards of school trustees or their legally appointed representatives; providing the method of ascertaining the scholastics for purposes of free text book distribution; prescribing the duties of district boards of school trustees and of the State Board of Education and the State Superintendent of Public Instruction under the Act; providing for delivery to school trustees of books used previously to 1919, to give to the State the advantage of exchange price on books; providing that such books shall remain the property of the State and for the disposition of worn-out books; providing the method to be followed by teachers and principals in procuring books for their pupils; requiring teachers and school officers to make reports of their use, care and condition of such text books, and providing that the salary of any teacher or employe who neglects may be withheld; providing that the State Superintendent may make rules for the requisition, distribution, care, use and disposal of such books, and that the local boards and school trustees shall have the power to make rules for local application; providing for the placing of printed labels on such books and numbering the same and for the safe keeping of a record of all books issued to each pupil; providing for the fumigation of all books before re-issuance; authorizing the sale of books to parents and pupils and to institutions of learning; providing that all moneys accruing from the sale of books and from other sources shall become a part of the State text book fund; providing for the handling of complaints with reference to the prompt delivery of school books and for requisitions for supplementary books; providing that the State Superintendent of Public Instruction shall notify all persons holding contracts with the State for school books that the State has taken over the contracts under the terms thereof and in accordance with the laws of the State; fixing a penalty for a viola-

tion of the Act, and providing that the furnishing of the pupil with free text books shall not begin under this Act until the commencement of the scholastic year of 1919-20, and declaring an emergency."

On motion of Senator Dayton the bill was laid on the table, subject to call.

(Senator Westbrook in the Chair.)

#### Senate Bill No. 122.

The Chair laid before the Senate on second reading:

S. B. No. 122, A bill to be entitled "An Act to authorize and empower the Governor of the State of Texas to convey to the trustees of the First Methodist Episcopal Church, South, of Austin, Texas, the north one-half of block No. 124, of the City of Austin, prescribing the conditions of said conveyance and declaring an emergency."

Senator Strickland offered the following amendment:

Amend S. B. No. 122, by striking out the words "\$25,000.00 in cash" and insert in lieu thereof "\$15,000 in cash and a further consideration of a deed to the State of the vacant lot north of the Capitol upon which was formerly located the Austin Sanitarium."

Senator Dayton offered the following amendment to the foregoing amendment:

Amend the amendment to S. B. No. 122 by adding to amendment "Provided the Governor shall use balance of purchase money of said lot for the purchasing of additional and contiguous lot or lots on north side of Capitol Building."

(Lieutenant Governor Johnson in the Chair.)

Senator Dorrough offered the following substitute for the pending amendment and the amendment thereto:

Amend the bill by striking out of line 28 the words "\$25,000.00" and insert in lieu thereof the following: "Securing and delivering to the State of Texas a deed to a lot or lots north of and adjacent to the State Capitol equal in area to the N. ½ of Blk. 124."

The substitute was read and Senator Clark raised the point of order that this bill is in the nature of an appropriation of property for the benefit of a religious sect and is in violation of Section 7 of Article 1 of the Constitution of the State of Texas.

The Chair overruled the point of order, holding that it is the right of each Senator to say whether or not he thinks the consideration named is adequate to cover full value of the property.

Senator Dorrough withdrew his substitute and offered in lieu thereof the following substitute for the pending amendment and amendment thereto:

Amend the bill by striking out of line 18 the words \$25,000.00 and inserting the following:

"Securing and delivering to the State of Texas a deed to a lot or lots adjoining the Capitol grounds of not less than 30,000 square feet in area."

Senator Caldwell offered an amendment to the pending substitute.

Senator Strickland raised the point of order that a substitute cannot be amended until the same has been substituted and thus becomes the pending amendment.

The point of order was sustained. S. B. No. 122 pending.

#### Adjournment.

At 12:18 o'clock p. m. Senator Clark moved that the Senate recess until 2:30 o'clock today.

As a substitute, Senator Buchanan of Scurry moved that the Senate stand adjourned until 10 o'clock tomorrow.

Action recurred on the longest time first, and the motion to adjourn prevailed.

#### APPENDIX.

##### Petitions and Memorials.

Senator Dayton offered a communication from Hon. Morris Sheppard, thanking Senators Dayton and Floyd, also all Senators, for the passage of a resolution commending him for presidential nomination.

The Chair laid before the Senate a letter from H. W. Greer of Laredo, Texas, accompanied by a proposed

bill for the amendment of the election laws.

Senator Woods presented a resolution from a Kaufman County Farmers' Union by which they express opposition to the homestead amendment to the Constitution.

Senator Hall offered an endorsement from Wadsworth Parent-Teachers' Association of plans of State Superintendent of Public Instruction with reference to rural school management.

#### Engrossing Committee Report.

Austin, Texas, Jan. 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 68 carefully compared, and find the same to be correctly engrossed.

FAUST, Chairman.

#### Committee Reports.

Senate Chamber,

Austin, Texas, Jan. 29, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 142, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters, or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature, 1913, and validating all proceedings had by city councils or city commissions, or governing authority, in regard to the question of the adoption of charters or amendments thereto; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

JOHNSTON, Chairman.

Committee Room,

Austin, Texas, Jan. 29, 1919

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 10, A bill to be entitled "An Act to provide for creating a Firemen, Policemen and Fire Alarm Operators' Pension Fund in all incorporated cities and towns in this State having a paid fire, police and fire alarm operator's department; creating a board of trustees for the same, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

JOHNSTON, Chairman.

Committee Room,  
Austin, Texas, Jan. 29, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. C. R. No. 11, being a resolution "Providing for a convention to frame a Constitution for the State of Texas,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

BUCHANAN of Bell, Chairman.

Senate Chamber,  
Austin, Texas, Jan. 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 170, a bill to be entitled "An Act to amend Sections 1, 2 and 8, Chapter 118, Special Laws enacted at the Regular Session of the Thirty-fifth Legislature known as a Special Road Law for Cherokee County, repealing all laws in conflict and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, but be not printed.

WOODS, Chairman.

Committee Room,  
Austin, Texas, Jan. 30, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 151,

Have had the same under consid-

eration, and beg leave to report the same back to the Senate with the recommendation that it do pass, with committee amendment hereto attached.

(1) Amend caption by adding after Attorney General in caption "and State Treasurer." Strike out word "and," line 5, Section 1, and insert in lieu thereof a comma (,) after word "General," line 5, add "and State Treasurer."

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, Jan. 30, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. C. R. No. 10,

Have had the same under consideration, and I am directed to report the same back to the Senate with a recommendation that it do pass.

ALDERDICE, Chairman.

#### FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, January 31, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dorough.	Sulter.
Dudley.	Westbrook.
Faust.	Woods.
Floyd.	

Absent.

Clark.

Absent—Excused.

Bailey.	McNealus.
Dean.	Williford.
Johnston.	Witt.

Prayer by the Chaplain.